

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF ERIC V. GERMAN, et al.,

Case No. 1:14-cv-643

Plaintiffs,

vs.

Beckwith, J.
Bowman, M.J.

WARDEN, WARREN CORRECTIONAL
INSTITUTION, et al.,

Defendants.

REPORT AND RECOMMENDATION

The Court previously entered a Show Cause Order in this civil action, advising Plaintiffs that their complaint would be dismissed due to the failure to effect timely service of process of the summons and complaint. (See Doc. 2) (citing *Osborne v. First Union Nat'l Bank*, 217 F.R.D. 405, 408 (S.D. Ohio 2003); *United States v. Gluklick*, 801 F.2d 834, 837 (6th Cir. 1986), *cert. denied*, 480 U.S. 919 (1987)).

Because the time deadline set forth in the Show Cause Order has now passed without plaintiff having timely effected service of process of the summons and complaint and/or filed any responsive pleading to the Show Cause Order, the undersigned **RECOMMENDS** that plaintiff's complaint be **DISMISSED** for failure of service of process and that this case be **CLOSED**

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).